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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,607	12/11/2003	Robert W. Erickson	RCM 03324	8510
7590 11/01/2005 JAMES RAY & ASSOCIATES 2640 PITCAIRN ROAD MONROEVILLE, PA 15146			EXAMINER SINGH, SUNIL	
			ART UNIT 3673	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,607

Applicant(s)

ROBERT W. ERICKSON

Examiner

Sunil Singh

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3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16, 18-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krekeler '637 in view of Krekeler '206.

Krekeler '637 discloses a retaining system (see Fig. 4) for securing a cutting tool to a support block, said retaining system comprising: at least one groove (22) having a first predetermined shape, formed in an outer surface of a shank portion of said cutting tool intermediate each end thereof, said groove being formed in a direction transverse to a longitudinal axis of said shank; at least one groove (23) having a second predetermined shape, formed in a surface of a bore formed through an axis of said support block for receiving therein said shank portion of said cutting tool, said at least one groove formed in said outer surface of said shank portion of said cutting tool being substantially radially opposed to said at least one groove formed in said surface of said bore formed through said axis of said support block when said shank portion is inserted into said bore of said support block; and at least one rolled spring steel pin member (24) (see col. 4 lines 15-25) engageable with each of said at least one groove formed in said outer surface of said shank portion said cutting tool and said at least one groove formed in said surface of said bore formed through said axis. Krekeler '637 discloses the invention

substantially as claimed. However, Krekeler '637 is silent about including at least two grooves and pins. Krekeler '206 teaches at least two grooves and pins (see Fig. 19, col. 10). It would have been considered obvious to one of ordinary skill in the art to modify Krekeler '637 to include at least two grooves and pins as taught by Krekeler '206 in order to more securely retain the tool within the holder.

3. Claims 1, 6-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krekeler '637.

Krekeler '637 discloses the claimed invention except for at least two grooves and pins. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krekeler '637 to include at least two grooves and pins, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

4. Claims 1, 6-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snipe or Morrow or Krekeler '206 or Krekeler '728 (US 3268260, 3498677, 3622206, 3690728).

Snipe, Morrow, Krekeler '206, Krekeler '728 all disclose the claimed invention except for at least two pins in their grooves. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify either Snipe or Morrow or Krekeler '206 or Krekeler '728 to include at least two pins, since it has

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been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

5. Claims 1,6-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. or Krekeler '764 or Kniff et al., Krekeler '359 or Vasek or Stewart (US 3268260, 3498677, 3622206, 3690728, 3796464, 3834764, 3841708, 3856359, 4222446, 5810102) in view of Krekeler '206.

Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart all disclose a retaining system for securing a cutting tool to a support block. Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart all disclose the invention substantially as claimed. However, they are all silent about including at least two grooves and pins. Krekeler '206 teaches at least two grooves and pins (see Fig. 19, col. 10). It would have been considered obvious to one of ordinary skill in the art to modify either Hansen et al. or Krekeler '764 or Kniff et al., Krekeler '359 or Vasek or Stewart to include at least two grooves and pins as taught by Krekeler '206 in order to more securely retain the tool within the holder.

6. Claims 1,6-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. or Krekeler '764 or Kniff et al., Krekeler '359 or Vasek or Stewart (US 3268260, 3498677, 3622206, 3690728, 3796464, 3834764, 3841708, 3856359, 4222446, 5810102).

Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart all disclose the claimed invention except for at least two grooves and pins. It would have been obvious to one having ordinary skill in the art at the time the invention was made

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to modify either Hansen et al. or Krekeler '764 or Kniff et al., Krekeler '359 or Vasek or Stewart to include at least two grooves and pins, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

7. Claims 1, 3-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bower, Jr. (US 3493268) in view of Krekeler '206. Bower, Jr. discloses the invention substantially as claimed (see Figures). However, Bower, Jr. is silent about including at least two grooves and pins. Krekeler '206 teaches at least two grooves and pins (see Fig. 19, col. 10). It would have been considered obvious to one of ordinary skill in the art to modify Bower, Jr. to include at least two grooves and pins as taught by Krekeler '206 in order to more securely retain the tool within the holder.

8. Claims 1, 3-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bower, Jr. (US 3493268).

Bower Jr. discloses the claimed invention except for at least two grooves and pins. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bower Jr. to include at least two grooves and pins, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

9. Claims 1, 2-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wipo document (WO 00/34626) in view of either Snipe or Morrow or Krekeler '206 or Krekeler '728 (US 3268260, 3498677, 3622206, 3690728).

Wipo '626 discloses the invention substantially as claimed (see Figure 16). However, Wipo '626 is silent about including a groove in the shank of the cutting tool and at least two pins for the grooves (46). Snipe, Morrow, Krekeler '206, Krekeler '728 all teach a groove in the shank of a cutting tool. It would have been considered obvious to one of ordinary skill in the art to modify Wipo '626 by including a groove in the tool's shank as taught by either Snipe or Morrow or Krekeler '206 or Krekeler '728 since this would facilitate insertion because the pin will contract to permit insertion and due to its resiliency property rebound to retain the cutting tool in its holder.

With regards to the at least two pins limitation, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wipo '626 to include at least two pins, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Response to Arguments

10. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh
Primary Examiner
Art Unit 3673



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10/27/05